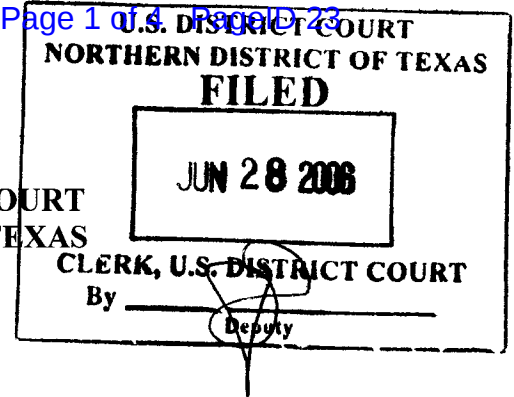


IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION



UNITED STATES OF AMERICA,

Plaintiff

v.

CASE NO: 5:06-MJ-055

JOSHUA HEATH ZUNIGA,

Defendant

MOTION TO ALTER CONDITIONS OF RELEASE

1. On June 20, 2006 defendant, Josh Zuniga, surrendered to federal authorities in Lubbock, Texas, after being informed by undersigned of an outstanding warrant for his arrest.
2. On that same day, he appeared before the Honorable Jim Bob Darnell, who released Mr. Zuniga on a Personal Recognizance Bond. Judge Darnell also imposed a number of "additional conditions" of Mr. Zuniga's release.
3. Several of the additional conditions imposed by the court poses overwhelming challenges for Mr. Zuniga and his family.
4. One of the conditions on the court's order reads: "All computers shall be removed from the defendant's residence."
5. The defendant shares a home with his parents, Mingo and Cathy Zuniga. Both Mingo and Cathy have been loyal Texas Instrument employees for approximately 30 years. They both work primarily from their home, and utilize their computers throughout the day. The defendant does not use his parent's computers. Furthermore, the computers are "password protected," which further ensures that

the defendant is unable to utilize same.

6. Therefore, the condition requiring all computers to be removed from the defendant's residence would severely interfere with his parent's employment. His parents retained undersigned, and have agreed to be responsible for paying the defendant's legal fees.
7. The defendant does not have the financial ability to move from the home that he shares with his parents. After informing his employer that he surrendered on federal charges, the defendant was immediately fired from his job.
8. Another condition that the defendant is requesting be altered is the one preventing him from utilizing a computer. The defendant is in the process of attempting to secure another job. One of the conditions of his release is that he "maintain or actively seek employment." Nearly all of the job opportunities that he is currently exploring require him to utilize the computer. While the defendant isn't objecting to the condition forbidding him to access the internet, he is requesting permission from the court to use the computer solely for work purposes.
9. Finally, the defendant requests that the condition requiring him to "participate in mental health counseling including specialized sex offender" be removed. Mr. Zuniga enjoys the Presumption of Innocence, like all defendants at this stage of the criminal process. He will be entering a "Not Guilty" plea to the allegations and intends to vigorously and zealously challenge the allegations made by the Government.
10. Furthermore, since December 2005, he has had no contact whatsoever with the alleged victim in this case. Additionally, the Government is not alleging that he

committed, or attempted to commit, any offense against any other individual.

11. AUSA Steven Sucsy indicated to undersigned that he “defers to the judgment of the court” concerning each of the issues raised in this motion.
12. Therefore, the defendant, Josh Zuniga, requests that the aforementioned conditions of release be altered.

WHEREFORE, it is respectfully requested that this Honorable Court grant the relief requested above.

Respectfully submitted,

LAW OFFICES OF MARK EIGLARSH
404 Washington Avenue
Suite 750
Miami Beach, FL 33139
(305) 674-0003

BY: 

MARK EIGLARSH

Florida Bar No: 956414

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have served a true and correct copy of this document upon AUSA Steven Sucsy and the original upon the clerk of court on this 27th day of June, 2006.

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION**

UNITED STATES OF AMERICA,

Plaintiff

v.

CASE NO: 5:06-MJ-055

JOSHUA HEATH ZUNIGA,

Defendant

_____ /

ORDER ON MOTION

THIS CAUSE having come before this Honorable Court on the defendant's Motion to Alter Conditions of Release and the court being fully advised in the premises, it is hereby,

ORDERED AND ADJUDGED that the motion is **GRANTED**.

DONE AND ORDERED in Lubbock County, Texas, this ____ day of June, 2006.

HONORABLE NANCY KOENIG
UNITED STATES MAGISTRATE JUDGE